

Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Richard Sisk to: Mike Rudy

05/10/2012 02:26 PM

From: Richard Sisk/R8/USEPA/US
To: Mike Rudy/R8/USEPA/US
Cc: Martha Walker/R8/USEPA/US@EPA, Michael Holmes/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA

Martha - I didn't see this e-mail traffic until I was finishing this Memo. So please see attached memo, it sets out a bit more detail. I have also attached the MOU that is referred to in the Consent Decree as it contains the split on the settlement proceeds and contains the language that allows EPA to establish site-specific special accounts with these settlement funds.



Special Account transfer memo 05-10-12.docx Std Metals MOU 2008.pdf

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638
Fax: 303-312-6409
E-mail: sisk.richard@epa.gov

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Mike Rudy---05/10/2012 02:16:11 PM---Please consider this email request and justification for moving special account funds from the Upper

From: Mike Rudy/R8/USEPA/US
To: Martha Walker/R8/USEPA/US@EPA
Cc: Michael Holmes/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/10/2012 02:16 PM
Subject: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Please consider this email request and justification for moving special account funds from the Upper Animas Site to the new Upper Cement Creek special account.

EPA has been receiving insurance settlements under the Standard Metals Corporation, Sunnyside Mine consent decree for the Upper Animas Site. There is approximately \$270,334.97 in the Upper Animas Site special account. Recently, a new Site was created (Upper Cement Creek, SSID A8-30), which is part of the Upper Animas. A legal review of the Standards Metal Consent Decree disclosed no restrictions or prohibitions in allowing the Agency to use the Upper Animas special account funds for the Upper Cement Creek Site. These funds are needed to conduct site assessments and investigations.

The Upper Animas Site team recommends transferring ninety percent of the Upper Animas Site special account funds to the Upper Cement Creek special account. The remaining ten percent should remain in the Upper Animas Site special account in order to cover any contract overruns or future obligations.

The Standard Metals Corporation, Sunnyside Mine consent decree for the Upper Animas Site is attached.

[attachment "AZ_Standard_Metals_CD_09.pdf" deleted by Richard Sisk/R8/USEPA/US]

Mike Rudy, Superfund Enforcement
US EPA Region 8
1595 Wynkoop Street
Mail Code: 8ENF-RC
Denver, CO 80202-1129
Tel: (303) 312-6332
Fax: (303) 312-6953
Email: rudy.mike@epa.gov
"Keep Breathing."

Martha Walker---05/10/2012 02:01:47 PM---I don't believe an official memo is required to move the funds from one special account to another.

From: Martha Walker/R8/USEPA/US
To: Michael Holmes/R8/USEPA/US@EPA
Cc: Mike Rudy/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/10/2012 02:01 PM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

I don't believe an official memo is required to move the funds from one special account to another. Normally

we would just get email request and justification and forward this to CFC to actually move the funds.

Martha A. Walker
Financial Management Officer
U.S. EPA, R8, Financial Management
1595 Wynkoop Street
Denver CO 80202
(303)312-6158
walker.martha@epa.gov

Michael Holmes---05/09/2012 01:55:34 PM---I agree w/ Mike R. Mike Holmes US EPA, EPR-SR

From: Michael Holmes/R8/USEPA/US
To: Mike Rudy/R8/USEPA/US@EPA
Cc: Martha Walker/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA, Lourdes
Deppmeier/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Richard
Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/09/2012 01:55 PM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for
Assistance

I agree w/ Mike R.

Mike Holmes
US EPA, EPR-SR
1595 Wynkoop St.
Denver, CO 80202
phone: 303-312-6607
mobile: 720-480-2793

Mike Rudy---05/09/2012 07:59:13 AM---I'm proposing to the team that we leave 10% (approx. \$27K) in the Upper Animas Acct and transfer the

From: Mike Rudy/R8/USEPA/US
To: Martha Walker/R8/USEPA/US@EPA
Cc: Kelcey Land/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Nevetta
Chapman/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon
Abendschan/R8/USEPA/US@EPA, Michael Holmes/R8/USEPA/US@EPA
Date: 05/09/2012 07:59 AM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for
Assistance

I'm proposing to the team that we leave 10% (approx. \$27K) in the Upper Animas Acct and transfer the rest to the new Upper Cement Special Acct.

Lourdes, please provide a current Special Acct Balance report, since this will help out with the Memo that Richard Sisk and I will write.

Thanks

Mike Rudy, Superfund Enforcement
US EPA Region 8
1595 Wynkoop Street
Mail Code: 8ENF-RC

Denver, CO 80202-1129
Tel: (303) 312-6332
Fax: (303) 312-6953
Email: rudy.mike@epa.gov
"Keep Breathing."

Martha Walker---05/08/2012 09:50:50 AM---If everyone agrees; yes I think it wise to leave some reserve - how much? Martha A. Walker Financial

From: Martha Walker/R8/USEPA/US
To: Mike Rudy/R8/USEPA/US@EPA
Cc: Kelcey Land/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/08/2012 09:50 AM
Subject: Re: Upper Animas Mining District Slte, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

If everyone agrees; yes I think it wise to leave some reserve - how much?

Martha A. Walker
Financial Management Officer
U.S. EPA, R8, Financial Management
1595 Wynkoop Street
Denver CO 80202
(303)312-6158
walker.martha@epa.gov

Mike Rudy---05/08/2012 09:40:39 AM---Could we leave a reserve in the Upper Animas and move the majority to Upper Cement to use it asap?

From: Mike Rudy/R8/USEPA/US
To: Martha Walker/R8/USEPA/US@EPA
Cc: Kelcey Land/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/08/2012 09:40 AM
Subject: Re: Upper Animas Mining District Slte, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

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Thanks

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-----Martha Walker/R8/USEPA/US wrote: -----

To: Kelcey Land/R8/USEPA/US@EPA

From: Martha Walker/R8/USEPA/US

Date: 05/08/2012 08:40AM

Cc: Richard Sisk/R8/USEPA/US@EPA, Mike Rudy/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA

Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

My only concern is if we move all of the remaining funds to the new account and then have contract overruns or differences later on, there will be no funds to cover. That is why I was recommending the special account transactions be reconciled before we move all of the available funds to the new account.

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Financial Management Officer
U.S. EPA, R8, Financial Management
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Denver CO 80202
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Date: 05/08/2012 07:34 AM

Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

So, to recap, I believe the team wants two special accounts, and that Mike and Richard are working on a memo to explain and memorialize that - Martha, is there anything else that we need to do to make this happen? Thanks - Kelcey

Kelcey Land, Director
RCRA & CERCLA Technical Enforcement Program
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
phone: 303-312-6393
fax: 303-312-6953
email: land.kelcey@epa.gov

Richard Sisk---05/07/2012 01:02:22 PM---Yes, I agree with Mike and Kelcey. Richard Sisk Attorney

From: Richard Sisk/R8/USEPA/US
To: Mike Rudy/R8/USEPA/US@EPA
Cc: Kelcey Land/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Martha Walker/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/07/2012 01:02 PM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Yes, I agree with Mike and Kelcey.

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

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Mike Rudy---05/07/2012 01:00:17 PM---Yes, that is preferred. Mike Rudy, Superfund Enforcement

From: Mike Rudy/R8/USEPA/US
To: Kelcey Land/R8/USEPA/US@EPA
Cc: Lourdes Deppmeier/R8/USEPA/US@EPA, Martha Walker/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/07/2012 01:00 PM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Yes, that is preferred.

Mike Rudy, Superfund Enforcement
US EPA Region 8
1595 Wynkoop Street

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Email: rudy.mike@epa.gov
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-----Kelcey Land/R8/USEPA/US wrote: -----

To: Martha Walker/R8/USEPA/US@EPA
From: Kelcey Land/R8/USEPA/US
Date: 05/07/2012 12:33PM
Cc: Mike Rudy/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

No, they want to have money for Upper Cement Creek, a related site - I don't believe they want to close out the Upper Animas account, Richard/Mike - right?

Kelcey Land, Director
RCRA & CERCLA Technical Enforcement Program
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
phone: 303-312-6393
fax: 303-312-6953
email: land.kelcey@epa.gov

Martha Walker---05/04/2012 02:57:03 PM---Mike/Lourdes: There have been disbursements from this special account totaling \$20,026. There are

From: Martha Walker/R8/USEPA/US
To: Mike Rudy/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA
Cc: Sharon Abendschan/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA
Date: 05/04/2012 02:57 PM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Mike/Lourdes: There have been disbursements from this special account totaling \$20,026. There are currently no unliquidated obligations. Is it the intent to close-out the Upper Animas (085M) special account and move all of the remaining funds to the Upper Cement Creek (A830) account? Is there no additional work/obligations for 085M?

Kelcey: If the intent is to close out 085M, we would need to notify HQ(?) Should we be reconciling 085M for

close out prior to transferring the funds to the new account?

Martha A. Walker
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Mike Rudy---04/26/2012 09:16:20 AM---Background: EPA has been receiving insurance settlement under the Standard Metals consent decree f

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To: Lourdes Deppmeier/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA, Martha Walker/R8/USEPA/US@EPA
Cc: Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA, Andrea Madigan/R8/USEPA/US@EPA, Michael Holmes/R8/USEPA/US@EPA, Sabrina Forrest/R8/USEPA/US@EPA
Date: 04/26/2012 09:16 AM
Subject: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Background: EPA has been receiving insurance settlement under the Standard Metals consent decree for Upper Animas. There is approximately \$270K in the Upper Animas Acct. Recently, a new Site was created (Upper Cement Creek, SSID A8-30), which is part of the Upper Animas. I asked Richard Sisk if the Standards Metal Consent Decree will allow EPA to use the Upper Animas Special Acct. funds for the Upper Cement Creek Site. It was his opinion that there was nothing to prohibit us from using the Upper Animas Special Acct. funds for the Upper Cement Creek Site.

The Upper Animas Team is requesting four things:

1. A current Upper Animas, Special Acct. Statement.
2. Create a new Special Acct. for the Upper Cement Creek Site.
3. Transfer of all funds from the Upper Animas, Special Acct. to the new Upper Cement Creek Site Special Acct.
4. After the transfer, please provide the Upper Cement Creek Site statement balance.

Thanks,

Mike Rudy, Superfund Enforcement
US EPA Region 8
1595 Wynkoop Street
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To: Kelcey Land/R8/USEPA/US@EPA
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Cc: Richard Sisk/R8/USEPA/US@EPA, Mike Rudy/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
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Kelcey Land, Director
RCRA & CERCLA Technical Enforcement Program
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
phone: 303-312-6393
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Richard Sisk---05/07/2012 01:02:22 PM---Yes, I agree with Mike and Kelcey. Richard Sisk Attorney

From: Richard Sisk/R8/USEPA/US
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Cc: Mike Rudy/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Martha Walker/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
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phone: 303-312-6393
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U.S. EPA Region 8
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Denver, CO 80202-1129

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To: Mike Rudy/R8/USEPA/US@EPA
Cc: Kelcey Land/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Martha Walker/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/07/2012 01:02 PM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Yes, I agree with Mike and Kelcey.

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638
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Mike Rudy---05/07/2012 01:00:17 PM---Yes, that is preferred. Mike Rudy, Superfund Enforcement

From: Mike Rudy/R8/USEPA/US
To: Kelcey Land/R8/USEPA/US@EPA
Cc: Lourdes Deppmeier/R8/USEPA/US@EPA, Martha Walker/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA
Date: 05/07/2012 01:00 PM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Yes, that is preferred.

Mike Rudy, Superfund Enforcement
US EPA Region 8
1595 Wynkoop Street
Mail Code: 8ENF-RC
Denver, CO 80202-1129
Tel: (303) 312-6332
Fax: (303) 312-6953
Email: rudy.mike@epa.gov
"Keep Breathing."

-----Kelcey Land/R8/USEPA/US wrote: -----

To: Martha Walker/R8/USEPA/US@EPA
From: Kelcey Land/R8/USEPA/US
Date: 05/07/2012 12:33PM
Cc: Mike Rudy/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

No, they want to have money for Upper Cement Creek, a related site - I don't believe they want to close out the Upper Animas account, Richard/Mike - right?

Kelcey Land, Director
RCRA & CERCLA Technical Enforcement Program
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
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phone: 303-312-6393
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email: land.kelcey@epa.gov

Martha Walker---05/04/2012 02:57:03 PM---Mike/Lourdes: There have been disbursements from this special account totaling \$20,026. There are

From: Martha Walker/R8/USEPA/US
To: Mike Rudy/R8/USEPA/US@EPA, Lourdes Deppmeier/R8/USEPA/US@EPA, Richard Sisk/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA
Cc: Sharon Abendschan/R8/USEPA/US@EPA, Nevetta Chapman/R8/USEPA/US@EPA
Date: 05/04/2012 02:57 PM
Subject: Re: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Mike/Lourdes: There have been disbursements from this special account totaling \$20,026. There are currently no unliquidated obligations. Is it the intent to close-out the Upper Animas (085M) special account and move all of the remaining funds to the Upper Cement Creek (A830) account? Is there no additional

work/obligations for 085M?

Kelcey: If the intent is to close out 085M, we would need to notify HQ(?) Should we be reconciling 085M for close out prior to transferring the funds to the new account?

Martha A. Walker
Financial Management Officer
U.S. EPA, R8, Financial Management
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walker.martha@epa.gov

Mike Rudy---04/26/2012 09:16:20 AM---Background: EPA has been receiving insurance settlement under the Standard Metals consent decree f

From: Mike Rudy/R8/USEPA/US
To: Lourdes Deppmeier/R8/USEPA/US@EPA, Kelcey Land/R8/USEPA/US@EPA, Martha Walker/R8/USEPA/US@EPA
Cc: Richard Sisk/R8/USEPA/US@EPA, Sharon Abendschan/R8/USEPA/US@EPA, Andrea Madigan/R8/USEPA/US@EPA, Michael Holmes/R8/USEPA/US@EPA, Sabrina Forrest/R8/USEPA/US@EPA
Date: 04/26/2012 09:16 AM
Subject: Upper Animas Mining District Site, SSID: 08-5M (Upper Animas), Special Acct, Request for Assistance

Background: EPA has been receiving insurance settlement under the Standard Metals consent decree for Upper Animas. There is approximately \$270K in the Upper Animas Acct. Recently, a new Site was created (Upper Cement Creek, SSID A8-30), which is part of the Upper Animas. I asked Richard Sisk if the Standards Metal Consent Decree will allow EPA to use the Upper Animas Special Acct. funds for the Upper Cement Creek Site. It was his opinion that there was nothing to prohibit us from using the Upper Animas Special Acct. funds for the Upper Cement Creek Site.

The Upper Animas Team is requesting four things:

1. A current Upper Animas, Special Acct. Statement.
2. Create a new Special Acct. for the Upper Cement Creek Site.
3. Transfer of all funds from the Upper Animas, Special Acct. to the new Upper Cement Creek Site Special Acct.
4. After the transfer, please provide the Upper Cement Creek Site statement balance.

Thanks,

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"Keep Breathing."